

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RONELL SHEFFIELD,

Plaintiff,

9:22-cv-519 (BKS/TWD)

v.

M. COOK, et al.,

Defendants.

Appearances:

Plaintiff Pro Se:

Ronell Sheffield
23-B-4600
Wende Correctional Facility
P.O. Box 1187
Alden, NY 14004

For Defendants:

Jessica A. Rounds
Jonathan M. Bernstein
Goldberg Segalla, LLP
8 Southwoods Blvd. Ste. 300
Albany, NY 12211

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Ronell Sheffield commenced this action asserting claims under 42 U.S.C. § 1983 arising out of his incarceration at the Schenectady County Jail. (Dkt. No. 1). On June 2, 2023, Defendants filed a motion for summary judgment under Fed. R. Civ. P. 56(a) seeking to dismiss the complaint. (Dkt. No. 16.) The motion was fully briefed. (Dkt. No. 24, 27). This matter was assigned to United States Magistrate Judge Therese Wiley Dancks who, on January 23, 2024, issued a Report-Recommendation and Order recommending that Defendants' motion for

summary judgment be granted in part and denied in part. (Dkt. No. 29). Specifically, Magistrate Judge Dancks recommended that Plaintiff's First Amendment retaliation and free exercise claims against Defendant Cook be dismissed with prejudice and that Plaintiff's Fourteenth Amendment excessive force claims against Defendants Cook and Giuliano proceed to trial. (*Id.*). Magistrate Judge Dancks advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 29, at 20-21). After the court *sua sponte* granted Plaintiff an extension of time to file objections, no objections were filed. (Dkt. No. 31).

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation, (Dkt. No. 29), is **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 16) is **GRANTED IN PART AND DENIED IN PART**; and it is further


ORDERED that Plaintiff's First Amendment retaliation and free exercise claims against Defendant Cook are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Plaintiff's Fourteenth Amendment excessive force claims against Defendants Cook and Giuliano will proceed to trial; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: March 18, 2024
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge